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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF CHELAN

Timothy Borders, et al.,	
Petitioners,	) )
v.	No. 05-2-00027-3
King County and Dean Logan, its Director of Records, Elections and Licensing Services; et al.,  Respondents.	DECLARATION OF CHRISTOPHER HANZELI IN SUPPORT OF ELECTION CONTEST PETITION

Christopher Hanzeli declares as follows:

- 1. I make the statements in this declaration based on personal knowledge and if called and sworn as a witness in any proceeding, could and would testify competently thereto.
- 2. On or about January 17 and January 18, 2005, I listened to a recording of the Washington State Senate floor debate that occurred on January 10, 2005, regarding HCR 4402, Amendment 1 (the "Recording"). Attached hereto as Exhibit "A" is a copy of the Recording.
- 3. While listening to the Recording I transcribed certain statements of certain state senators made on the Recording (the "Transcription").
  - 4. Attached hereto is a copy of the Transcription

I declare under penalty of perjury under the laws of the United States and the State
DECLARATION OF CHRISTOPHER HANZELI
IN SUPPORT OF ELECTION CONTEST
PETITION - 1

Davis Wright Tremaine LLP

of Washington that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Seattle, Washington, this 26th day of January, 2005.

CHRISTOPHER HANZELI

DECLARATION OF CHRISTOPHER HANZELI IN SUPPORT OF ELECTION CONTEST PETITION - 2

## **Senate Floor Debate on HCR 4402 Amendment 1**

To delay certification of Governor January 10<sup>th</sup> 2005

Sen. Hargrove: Well, I agree totally with the former speaker up to the final conclusion and that is that we should be very concerned about the process, we should be very concerned about accurate votes being cast and accurate votes being collected but I do not see that the acceptance of the certification of the secretary of state seals that process off. We have in the constitution, as you suggested, 'contested elections for such offices shall be decided by the legislature in such a manner as determined by law'. And there is a law, a contested elections law, and there has been a suit filed, I believe in Chelan County, to have a trial and go through all those factual issues - which I support. We should go through all those factual issues, all the rumors, whether there was fraud, whether there was gross incompetence, whether there were things that would have changed the election. But going ahead with the certification of the Governor-elect does not stop that process. If it in fact did stop that process I would be voting different today because this would be our last chance to have a say in that and it would make since to delay it. But that does not stop that process. We have a process in place in this state: we have an election, we have a recount, we have a hand recount, we have auditors certify that election the secretary of state, happens to be a republican, certified that election also, and then we accept the result and that does not seal off the contested elections law; that then a suit can be brought and those discrepancies can be challenged in front of a court of law with a trial instead of delaying all the work we're doing down here and turning the legislature into the court of law.

The legislature, in their wisdom, put that process in place.....

(comments omitted)

......Is this about my choice for Governor or is this about following the process that ensures the will of the people of the state of Washington get their will? And when I came through that and saw that there is still an opportunity for that legal process to go forward, and if that legal process comes back and says we should have a revote, I'll be the first one there to say we should have a revote......but now is not the time to take and delay accepting the certification. Let this go forward, go to the court process which is set up in law, and once they go through a long and laborious and detailed process to look at it, that is the time to consider it. So I'm gonna vote no.

**Sen. Kline**: .......(comments omitted) ......I want to also start by commending the party organization that you belong to. First, for having chosen a statutory way, the way that this legislature, that our predecessors, set out for resolving this issue, rather than bringing it to a partisan body, ourselves, it will go to the courts, a non-partisan body, and it will be resolved probably by the supreme court, in the end......(comments omitted)...

Our judiciary, I believe, are people of non-partisan integrity. They are all people who are sworn to uphold the constitution and the laws. Everyone one of them raised there right

hand and I believe them all. But in the mean time the process of governing has to go forward. We have a job to do that includes two houses of the legislature, the judiciary, and a governor.......(comments omitted) .......the legislative process and the government process that goes on outside this building, has to go forward. The court, if it makes its decision, will reverse what we do possibly tomorrow. That's ok. It's ok by me. I believe, I can't say everybody on this floor, but I believe that will be a generally accepted result in this body. We have a constitution, it has three branches of government - they're working – and that's the point.

**Sen. Brown**: There is a time for partisanship in politics and there is a time for governing. We are a state governed by constitution and laws. Not by chanting crowds, rumors of the day, or frankly, making it up as we go along. We need to turn down this amendment for the following reasons. Number one; we have a winner under the constitution and laws of the state of Washington. The person who is certified by the county auditors and the secretary of state is Chris Gregoire. We the legislative branch, my favorite branch of government, do not confirm elections, we do not ratify elections, we do not certify elections.

Our duty is spelled out under the constitution, the clause that was read previously, it states very clearly that we 'shall receive the results; the speaker shall open, publish and declare the results in the presence of the majority of the members of both houses'. It does further state that under a contested election 'that this shall be decided by the legislature in such manner as shall be determined by law' not by a new process, by law, and we have a law, a contested election law.

Not only do we have a winner but we have a duty, we have a duty to uphold the constitution and laws by taking on the appropriate role and not by adopting a new role. We don't have a compelling reason to delay. Problems that have been raised can and are being raised in the appropriate venues. As I stated before, for we to take any other action we would be making it up as we go along. People have said, 'but we don't know about this particular incident or that particular incident', not only that but we do not have a process under law in order for us to judge that. How would we accept evidence? Would we vote on every case, deciding on whether that person's vote did or did not count? Were we to delay for two weeks who's to say what would occur in terms of the normal operations of our systems? Who's to say if our deliberations were to result in a different conclusion then that of the judiciary branch! Talk about undermining confidence of the public in our system! Us, taking it upon ourselves to make the decision, take over the process, and decide as we go along could greatly undermine confidence in our process and we all know it.

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